

## REMARKS

The Applicant thanks Examiner Pak for his thorough analysis of the application. In response to the office action dated February 9, 2004, and the original related office action dated July 8, 2003, the application has been carefully reviewed and amended. The Applicant is sensitive to the Examiner's comments that the amendments "do not meet the requirements of 37 CFR 1.21." The Applicant has carefully reviewed all the claims including those originally filed June 7, 2001, as well as all amended versions and verified that all the changes were shown on the subsequent amendments as required by 37 CFR 1.21 with a few exceptions that will be discussed below in the attached remarks and correctly reflected in the "October 24, 2003 Replacement Claims" that are being resubmitted in response to the February 9, 2004 office action. One of the claims containing editorial mistakes in the amendment markings was indeed claim 79 and those changes are also discussed below and are included in the marked-up claims.

The Applicant has also corrected all the claims that need to contain the United States Patent and Trademark Office accepted Markush claim language.

Entry of the foregoing amendments and reconsideration of the application is respectfully requested. The Applicant has not repeated the arguments made in the October 10, 2003 response and understands that the Examiner will review these remarks in conjunction with these replacement claims and comments.

### Changes in the Claims in Response to Paper mailed February 9, 2004

After further review and in response to the Examiner's comments in the February 9, 2004 paper, the Applicant has amended claims 1, 7 - 8, 17, 21 - 22, 25 - 26, 42 - 43, 48 - 49, 54, 67 - 69, 71, 76, 79 - 81, 83 - 87, 89, 91 - 92, 94, 101, 103, 105, 108 and 109. Claims 17 - 18, 25, 42, 48 - 49, 54, 79 - 80, 85, 87, 91 - 92, and 109 are amended to reflect the proper accepted Markush language. The Applicant believes that this puts all these claims in proper condition for allowance.

The three claims that have the word "acetaminophen" (claims 35, 76, 108) are shown with the change from acetaminophin to acetaminophen. This change was made to reflect the correct spelling due to an editorial mistake but was not reflected in the markings of the last amendment.

Minor editorial changes were made to claims 43, 48, 83 - 84, 86, 94, and 103. These changes are reflected in the attached replacement claims and are marked to clearly show the changes as required by 37 CFR 1.21. In addition, claims 81, 89, 101, 105, and 108 have been slightly changed for clarification. These clarifications were requested by the Examiner or are required due to the renumbering of claims 50 - 109 requested by the Examiner in the prior October 3, 2003 response as a result of a previous misnumbering. Specifically, claim 81 is dependent on claim 80 and this was not reflected in the markings due to the renumbering of claims 50 - 109 in the previous office action. Claim 89 is amended for an antecedent basis as noted by the Examiner and claims 101 and 105 are amended to make changes requested by the Examiner. The Applicant has also amended claim 108 so that it is dependent upon claim 107 as required, thus satisfying the requirements for a proper antecedent basis.

Claim 54 has been amended to reflect the change already made to claim 13. Claim 67 has been amended to clarify the quantity of surfactant needed and claim 69 has been amended to help clarify what the "metes and bounds of 'derivatives and analogs thereof'" as requested by the Examiner on page 12 of

the July 8, 2003 office action. Claim 71 has been amended to be dependent on claim 53 and to reflect a proper antecedent basis similar to that found in dependent claim 14 which was made dependent on claim 12, not claim 9, in the previous office action.

Claim 79 was not the same as the claim in the October 24, 2003 amendment as noted by the Examiner because of editorial errors. In order to help the Examiner clearly see what has happened with this claim, the Applicant has included below claims 79 and 80 as they existed originally in a prior office action response (April 3, 2003) and in all subsequent amendments. The final version that is included in the attached replacement claims reflect the markings necessary to reflect these changes:

Changes to Claim 79:

**In the April 2003 response (Claims 79 - 80 are misnumbered because claim 50 was left out):**

79. (New) A composition for accelerating *in vivo* oxidation of alcohol, the composition comprising  $\text{NAD}^+$  and one of acetaldehyde dehydrogenase and alcohol dehydrogenase.

80. (New) The composition of Claim 79, further comprising one of a multivalent transition metal ion and a complex thereof, the transition metal being selected from a group including the elements of Groups IVa through VIII of the Periodic Table.

**In the October 8, 2003 response the old claim 79 was cancelled and a new claim 79 (combining both claims 79 and 80) was amended to include some of the elements of both former claims:**

79. (Currently Amended) A composition for accelerating in vivo oxidation of alcohol, the composition comprising  $\text{NAD}^+$ , and one of acetaldehyde dehydrogenase and alcohol dehydrogenase an agent reactive with alcohol of

~~Claim 79, and further comprising one of a multivalent transition metal ion and or~~  
a complex thereof, the transition metal being selected from a group including the  
elements of Groups IVa through VIII of the Periodic Table.

**Claim 79 in the October 8, 2003 response SHOULD HAVE READ:**

80. (New) ~~The A composition for accelerating in vivo oxidation of alcohol,~~  
the composition comprising NAD<sup>+</sup>, an agent reactive with alcohol, and of Claim  
~~79, further comprising one of a multivalent transition metal ion and a complex~~  
thereof, the transition metal being selected from a group including the elements  
of Groups IVa through VIII of the Periodic Table.

**Claim 79 in the October 22, 2003 response READ:**

79. (Previously Amended) A composition for accelerating in vivo  
oxidation of alcohol, the composition comprising NAD<sup>+</sup>, and a multivalent  
transition metal ion or a complex thereof, the transition metal being selected from  
a group including the elements of Groups IVa through VIII of the Periodic Table.

**Claim 79 in the October 22, 2003 response SHOULD HAVE READ:**

79. (Previously Amended) A composition for accelerating in vivo  
oxidation of alcohol, the composition comprising NAD<sup>+</sup>, an agent reactive with  
alcohol and one member selected from the group consisting of a multivalent  
transition metal ion ~~or and~~ a complex thereof, the transition metal ion being  
selected from ~~[[a]]~~ the group ~~[[including]]~~ consisting of the elements of Groups  
IVa through VIII of the Periodic Table.

## ALLOWABLE SUBJECT MATTER

The Applicant has made all the changes the Examiner recommended and that were discussed on pages 2 - 6 of the July 8, 2003 office action, and further changes requested in the February 9, 2004 office action. The Applicant has reworded the claims to reflect the accepted Markush claim language and has renumbered the claims following claim 50 and made other amendments as discussed above to put these claims in condition for allowance. As the Examiner has stated in the office action dated July 8, 2003, and the office action dated October 2, 2003, claims 42 - 78 should be allowable since they claim the combination of NAD<sup>+</sup> and vanadyl sulfate with proper language correction, as are all the claims as discussed in the October 2003 response. The Applicant believes that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections and objections. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance and such action is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (585) 231-1101.

Respectfully submitted,



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